

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON HELD ON JANUARY 13, 2004

The regular meeting of the Council of the Town of Warrenton was held on January 13, 2004 in the Town Council Chambers.

Councilmembers present: George B. Fitch, Mayor, presiding; Robert W. Rice, Vice Mayor, Councilmen David A. Norden, Birge S. Watkins, Stephen L. Athey, Robert L. Walker, Samuel B. Tarr and John S. Lewis.

Also present: Kenneth L. McLawhon, Town Manager, Whitson Robinson, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The Mayor called the meeting to order and invocation was given by Councilman John S. Lewis.

CITIZENS TIME.

Mr. Larry Kovalik.

Mr. Kovalik, resident of 39 Brookshire Drive, expressed concern about the extension of water and sewer to the Home Depot store proposed on Route 29 and urged Council to enter into an agreement with Home Depot to discourage any environmental impacts on the adjoining neighborhood.

PUBLIC HEARING.

Reconsideration of Resolutions of the Town Council Regarding the Demolition of Dwellings at 23 and 31 North Fourth Street. A request for reconsideration of resolutions approved February 11, 2003 to allow the demolition of the two (2) dwellings on property owned by the Presbyterian Church that were originally approved for relocation as an alternative to demolition. The original authorization to relocate the structures was found to be unfeasible and, therefore, the conditions of both resolutions must be reviewed regarding modification of the decision of the Architectural Review Board for demolition of the structures. The Warrenton Presbyterian Church is requesting the demolition of the structures as an alternative to relocation consistent with their original application for the dwellings.

The Mayor summarized that the Warrenton Presbyterian Church wished to demolish two the houses and one would be relocated. He explained that the church had appealed an Architectural Review Board decision and the Town Council had tabled their decision to see if alternatives to demolition of the houses could be found. The Mayor noted that after exploring various options, no viable option to demolition of two of the houses could be found. He opened the public hearing at 7:05 p.m. and called upon the church's representative to address Council.

Mr. Robert Slaughter.

Mr. Slaughter stepped forward to express the church's desire to demolish two of the houses. He noted that the third house would be relocated to property owned by Mr. Malcolm Alls.

Mr. Lewis asked Mr. Slaughter when the church would be removing the houses and Mr. Slaughter responded that it would be as quickly as possible.

The Mayor called for citizens to speak in favor of the request. There being no citizens wishing to speak for the request, the Mayor called for citizens to speak against the request.

Mr. John Albertella.

Mr. Albertella, resident of 205 High Street, noted that he would comment as a member of the Architectural Review Board, but not on behalf of the Board. He indicated he would also comment as a resident of the neighborhood. Mr. Albertella was concerned with what the church may put in the space the church would have when the houses are demolished. Mr. Albertella requested that Council defer the request until such time as the church can provide additional information on how they will use the space.

The Mayor called for other citizens to speak. There being no one wishing to speak, he closed the public hearing at 7:10 p.m.

Mr. Athey moved that the two dwellings be demolished. Mr. Norden asked that the properties be addressed separately as was the case when the request was last considered.

23 N. 4th Street.

Mr. Athey agreed and he amended his motion to indicate that the dwelling at 23 North Fourth Street could be demolished. Mr. Tarr seconded the motion.

Mr. Norden stated that he felt the same as before and if the bungalow could be preserved on a different site that he could agree to demolish unit 23. He hoped that the 32 North Fourth Street house could be saved as a buffer until it was decided how the property would be used.

Mr. Watkins indicated he was not in favor of tearing down contributing structures in the Town and the decision of the ARB should be upheld.

On a 6-1 vote of Council the motion was adopted (for: Norden, Athey, Walker, Rice, Tarr, Lewis; against: Watkins).

31 N. Fourth Street.

Mr. Athey moved that the house at 31 N. Fourth Street be demolished and Mr. Tarr seconded the motion. Mr. Athey restated his opinion that 85% of all structures over 50 years old are contributing structures is out of bounds and it was not within Council's right to present a plan for the property at this time since the church would be governed by the rules of the Town when they present a plan for consideration.

Mr. Walker supported demolition of the properties, noting that the house was old but did not have any historical features. Mr. Lewis noted that he lived close to a church and there was no buffer, which posed no problem.

Mr. Rice asked if the church had a contract for demolition of the houses and Ms. Carolyn Bowen noted that a parishioner would be demolishing the houses once the permits are obtained.

Mr. Norden stated his comments made about the last house would stand for this house also.

On a vote of 5-2 (for: Athey, Walker, Rice, Tarr, Lewis; against: Norden, Watkins) the motion passed.

Mr. Rice asked if the special use permit granted Mr. Malcolm Alls still stood on the Culpeper Street property and Mr. Mothersead noted that the special use permit would stand. He also noted that only the one smaller house would be moved. The cost of moving electric lines, etc. was prohibitive to moving the two double story houses to the Culpeper Street lot and that Mr. Alls' request to build a house on the site had now been approved by Council.

CONSENT AGENDA.

- a. Approval of the Council minutes of the regular meeting held on December 9, 2003.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending December 31, 2003.
 - (2) December statement of accounts paid.
 - (3) Miscellaneous staff reports.
- c. Minutes of the Planning Commission held on October 15, 2003.
- d. Monroe Estate Bond Reduction – 66.8% requested; field inspection complete. Request by Richmond American Homes of Virginia, Inc. –

South Division for a reduction of the Public Improvements Bond (No. 3SM 048 365 00) held by the Town for completion of Site Development Plan #01-08. The bond was established at \$1,063,904.85 and is requested to be reduced to \$352,947.50. The project has been inspected by Staff and found to be generally consistent with the requested reduction. Staff can support a reduction of the bond to \$385,885.76 (36.3% of the original bond amount) leaving an additional reserve to insure maintenance of the erosion and sediment control facilities during project development. This is the first request for reduction of this bond.

- e. Edgemont Bond Reduction - 63.0% requested; field inspection partially complete. South Division for a reduction of the Public Improvements Bond (No. 28-53-69) held by the Town for completion of Site Development Plan #02-01. The bond was established at \$2,410,408.19 and is requested to be reduced to 891,851.03. The project has been inspected by Staff and found to be generally consistent with the requested reduction. Staff can support a reduction of the bond to \$1,131,410.16 (46.9% of the original bond amount) reflecting adequate surety for those items to be completed for the subdivision. This is the first request for reduction of this bond.

Mr. Athey moved that the consent agenda be approved.

Mr. Rice commented concerning the “I/I” data, noting that the Utility Committee should look at the water treated versus the water produced. He stated that twice as much had been treated as was produced.

The Manager noted that the resolution adopted by Council concerning restricting water and sewer connections has proven to be a wise move. Since that resolution’s passage, it has been a “record wet season” the “I/I” numbers were on point. The Utilities Director stated that while one month was not a good measure and that the Health Department looks at the highest capacity for three consecutive months. The “I/I” numbers in the study were born out and not conservative. Discussion ensued of the “I/I” program and related sewer capacity issues were discussed.

Mr. Watkins seconded the motion to approve the Consent Agenda and Council voted 7-0 for the motion (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

NEW BUSINESS.

The Mayor asked that Mr. Mothersead discuss all three of the plats together.

North Rock Phase V – Final Plat. An application by North Rock Commercial L.P. and RAS North Rock Residential, LC for a sixteen (16) lot townhouse subdivision as the last phase of the North Rock PUD. The property affected is located at the end of North Hill Drive west of Blackwell Road. The parcel contains 3.2172 acres and the subdivision

is an allowable replacement for the elderly housing facility in the North Rock Master Plan.

Mr. Mothersead noted that the property was originally planned for an elderly facility and the developers have determined that there was not a market for that type of facility. He stated that they had submitted a plan for the 16 unit townhouse subdivision which would be the last phase of the North Rock PUD. Mr. Mothersead noted that Planning Commission had traffic concerns in the area. He indicated that all the design criteria had been met and the plan was consistent with the PUD.

North Rock Commercial – Final Plat. An application by North Rock Commercial L.P. and RAS North Rock Residential, LC for a five (5) lot commercial subdivision to complete the office development at the southwest corner of Blackwell Road and North Hill Drive. The parcel contains 5.6921 acres and is adjacent to the North Rock Planned Unit Development. The property is zoned CL Commercial Limited.

Mr. Mothersead noted that Council had reviewed the final plat as part of the steep slope application and it was a five-lot development. He indicated that there had been a number of tree, stormwater and slope considerations with the request and all had been adhered to, with separate site plans for each site.

North Rock Plaza – Final Plat. An application by Angler Development, LLC for a four (4) lot commercial subdivision for office development. The property is located on the northwest corner of Blackwell Road and North Hill Drive. The parcel is 3.5952 acres and is zoned CL Commercial Limited.

The Planning Director stated that the first building was under construction for relocation of the Northern Piedmont Federal Credit Union.

He noted that all the properties flow into the detention pond behind the Hampton Inn and there had been discussions and preliminary agreements from the developers for contributions for operation and maintenance in the future for support of pond “C” and the staff was still working on the agreements.

Mr. Athey asked if the road reservation in the back of the property was for future traffic flow and Mr. Mothersead stated that it was a reservation of the right of way and not to be improved. Mr. Athey asked if everyone was clear that Winchester Street would not be used for ingress and egress and Mr. Mothersead responded that they were aware of the fact.

Mr. Norden asked about the yard errors noted in North Rock Commercial and Mr. Mothersead stated that it had been corrected.

Mr. Rice asked the Planning Director if there was to be a three- foot sidewalk easement and Mr. Mothersead responded he was not sure. Mr. John Orr, engineer, reported that the sidewalks would be four feet wide and one foot of it was within the road easement.

North Rock Phase V - Final Plat

Mr. Rice moved that the final plat be approved and Mr. Watkins seconded the motion. On a vote of 7-0 the motion passed (for: Norden, Watkins, Athey, Watkins, Rice, Tarr, Lewis).

North Rock Commercial - Final Plat

On a motion by Mr. Athey, seconded by Mr. Watkins, the final plat for North Rock Commercial was approved on a vote of 7-0 (for: Norden, Watkins, Athey, Watkins, Rice, Tarr, Lewis).

North Rock Plaza – Final Plat.

On a motion by Mr. Athey, seconded by Mr. Watkins, the final plat for North Rock Plaza was approved on a vote of 7-0 (for: Norden, Watkins, Athey, Watkins, Rice, Tarr, Lewis).

REPORTS AND COMMUNICATIONS.

Report from Town Attorney.

The Town Attorney noted that there was no report.

Report from the Finance Committee.

Mr. Watkins, Chairman, asked when the budget would be received and the Manager noted that he would be holding meetings with department heads and agencies and that the Finance Committee should have the budget within 30 days.

Report from the Police Committee.

Mr. Athey, Chairman, stated there was no report.

Report from the Public Works Committee.

Mr. Rice, Chairman, noted that there was no report.

Report from the Utility Committee.

The Chairman, Mr. Norden, stated that there was no report.

Report from the Airport Committee.

Mr. Lewis reported that there was no report.

Report from the Planning District 9 Representative.

There was no report.

Report from the Transportation Safety Commission.

Mr. Watkins indicated that there was no report.

Report from the Economic Development Advisory Committee representative.

Mr. Lewis stated there was no report.

Report from the Recreation Committee.

The Chairman noted that the meeting with the YMCA had been cancelled and that at the next worksession there would be a discussion of where the Town wanted to go with the project in the next budget cycle.

Report from Joint Communications Board representative.

There was no report.

Report from Liaison Committee representative.

There was no report.

Report from the Town Manager.

The Manager noted that there was an error in the February 2002 (2002-02) ordinance passed by the Council at that time, concerning the “ward maps.” The ordinance did not agree with the map. He further noted that there was a proposed Ordinance 2004-1, which would correct the error. He stated that the Attorney General’s office had been contacted but they would not provide a written opinion but it was their interpretation that the text would govern over the incongruent map.

The Town Attorney stated that it would have been Council’s intent to be in compliance with the Justice Department requirements. Mr. McLawhon also stated that the Fauquier County registrar would be sending out corrected voter cards after the primary. The Town Attorney noted that some scribner’s errors would also be corrected. The Manager asked that the Ordinance change be advertised for a public hearing and addressed at the February Council meeting. There was no objection to advertisement and presentation of the ordinance at the next Council meeting.

COUNCILMEMBERS TIME.

Mr. Norden updated Council on three meetings he had with Home Depot representatives. He stated that parking had been reduced from 865 spaces to 652 primarily to increase the buffer zones around the building. He stated that six foot minimum up to fifteen foot high berms would be added to shield the building from vision with evergreen plantings on them. He indicated that the entire building would be brick and the orange color had been minimized throughout the project, the developer had reduced their sign size and added a significant number of other architectural elements to the building. He indicated that the Home Depot representatives hoped to have a resolution from the County on January 20 and have the item considered by the Town in February. He noted that timeline mentioned was the Home Depot’s.

Mr. Tarr asked if the berms were located on the back side only. Mr. Norden stated that the end of building facing toward Stock Lumber would be the garden center and the berm would wrap around the garden center, down the back side of the building.

Mr. Rice asked if an analysis had been done on the water and sewer tap fee if Council agrees to provide it. Mr. Tucker noted that the fee would be based on meter size and all the Town currently has is the preliminary site plan.

The Manager stated that the Home Depot representatives’ intent has always been to petition the Town to be boundary adjusted.

Mr. Norden noted that the two members of the Fauquier County Board of Supervisors who serve on the Town/County Liaison Committee support the project only if it is boundary adjusted into the Town. Mr. Norden pointed out that there would be

significant traffic issues that would need to be addressed and Wal-Mart was planning an addition and may also participate in trying to reduce traffic problems.

Mr. Walker asked what if the Town did not boundary adjust the property and provide water and sewer service. Mr. Norden stated that the only option discussed is they would have to explore well and septic systems and they did not have enough property to support a sewage system. Home Depot would have to purchase additional property.

Mr. Tarr announced that he would not seek re-election.

There being no further business, the meeting adjourned at 8:15 p.m.

Evelyn J. Weimer, Town Recorder